

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION JOINT APPROPRIATIONS SUBCOMMITTEE ON GENERAL GOVERNMENT AND TRANSPORTATION

Call to Order: By **CHAIRMAN BOB DAVIES**, on February 13, 2001 at 8:15 A.M., in Room 317-B Capitol.

ROLL CALL

Members Present:

Rep. Bob Davies, Chairman (R)
Sen. Jack Wells, Vice Chairman (R)
Rep. John Brueggeman (R)
Rep. Monica Lindeen (D)
Sen. Bea McCarthy (D)
Sen. Corey Stapleton (R)

Members Excused: None.

Members Absent: None.

Staff Present: David Brown, Legislative Branch
Amy Sassano, OBPP

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: Judiciary, 2/13/2001; Citizens
Review Board, 2/13/2001
Executive Action:

{Tape : 1; Side : A; Approx. Time Counter : 0 - 30}

HEARING ON JUDICIAL BRANCH

Karen Sedlock, Program Supervisor of Citizens Review Board provided the subcommittee handouts **EXHIBIT(jgh36a01)**, **EXHIBIT(jgh36a02)**. Mrs. Sedlock went over EXHIBIT (1) and gave history of the Citizens Review Board, their over accomplishments, and an overview of the Board.

Chairman Davies indicated he was an administrator in the late 70's for the Big Sky Christian Youth Ranch, which he found to be a very interesting experience. He said they with C.R.B. and the Department of Corrections Probation Office. These two programs had different philosophies. **Chairman Davies** asked the Citizen Review Board Program their philosophy? **Mrs. Sedlock** said they have different philosophies and want to provide different perspectives and ideas to the Child Family Services Division.

Sherry Meador, Program Coordinator Court Assessment Program (CAP) gave the subcommittee a handout **EXHIBIT(jgh36a03)** and explained the CAP program.

Sen. Stapleton asked why the State appears to be funding multiple programs. **Mrs. Meador** said CAP was developed to review the entire court system. CRB was developed as a review process. The Foster Care Review Board it is a part similar to CRB but its apart of the state department. **Sen. Stapleton** indicated this was an overlap with no reason to fund both. **Mrs. Sedlock** stated the CRB is in five judicial districts that do not overlap the services with Foster Care Review Committees.

Chairman Davies indicated they could save funds if there was only one system. **Mrs. Sedlock** said it is hard to put a price on helping out a child. **Chairman Davies** said if there was one system throughout the state there would be less administration. **Dave Brown, Legislative Fiscal Division** indicated the Legislature is being asked to do two things with CRB. **Mr. Brown** referenced page A-16 and pointed out in the Present Law Adjustments under DP 1002 that the request is to maintain the current Citizen Review Board. He also referenced the LFD Comment on CRB since it defines how they have grown. There is a also a request for the CRB to expand the program under DP 1102.

Karla Gray, Chief Justice indicated that **Lisa Smith, Acting Court Administrator** will give adjustments to the numbers currently

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before the subcommittee. One of those adjustments will be the \$80,000 in General Fund for the CRB.

Sen. Wells asked **Mr. Brown** about DP 1102 under new proposals on page A-17. He said \$25,000 was eliminated and the subcommittee would have to adjust the total funds. **Mr. Brown** said the subcommittee may determine how they act on the proposals and clarified the Federal Fund should not be eliminated in DP 1103. **Sen. Wells** said the Federal was based on matching funds and how do we maintain the Federal Funds without General Funds. **Mr. Brown** indicated it depends on if there is a matching fund requirement and that could be answered by the agency. The Program Director said there is no matching fund requirement, but for each eligible child review they do get a 50 percent reimbursement. They are asking for no additional General Fund but an increase in their Federal spending authority.

Sen. Wells asked if the agency has figures on how many children are reviewed in a year. **Mrs. Sedlock** referred **Sen. Wells** to page 22 of EXHIBIT (2).

Sen. Stapleton asked **Mrs. Sedlock** if she felt the quality of CRB was superior to the Foster Care Review Program. **Mrs. Sedlock** said the CRB has more time to do reviews.

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Mrs. Sedlock continued presentation on the CRB Program. **Sen. Stapleton** referenced the redundancy, and stated one program is better than two. **Mrs. Sedlock** said she believes in a one-tier system. They have talked about it for two years and they have not consolidated because of funding.

Tara Huber, State Coordinator Court Appointed Special Advocate (CASA) provided a fact sheet **EXHIBIT(jgh36a04)** and went over the program with the subcommittee. She explained the program budget and handed out a survey **EXHIBIT(jgh36a05)**. She then explained the survey results.

Rep. Lindeen asked if the Federal money had matching requirements. **Mrs. Huber** answered no.

Chairman Davies asked about expenses especially for travel. **Mrs. Huber** indicated some volunteers have to travel many miles especially in Eastern Montana. She also mentioned long distance phone calls made by volunteer, and she feels volunteers must be reimbursed for these expenses.

Rep. Lindeen asked how many volunteers they have. **Mrs. Huber** indicated there are 291 volunteers throughout the State. She also mentioned about 45 volunteers in Miles City branch out to the surrounding areas. **Rep. Lindeen** asked where the offices are located. **Mrs. Huber** stated in Colstrip, Sydney, and Miles City they are part time offices.

Sen. Stapleton asked why, on a survey question #8 **Exhibit(5)** people taking the survey thought CASA did not have a good understanding of the children's needs. **Mrs. Huber** said CASAs are not professional trained in the law or social workers, so she could understand how individuals that took the survey thought maybe these people were not qualified.

Mr. Brown explained the matching funding and reimbursement so when the subcommittee makes decisions they effect some source of Federal funding. CASA requires no federal funds. CAP requires reimbursement and 25 percent matching funds. So CAP needs 25 percent State funding and 75 percent from the Federal funding. CRB has no matching funds requirement and is reimbursed. **Chuck Hunter, Administrator of Child Family Services** commented they are the 4E entity for the State of Montana. The 4E dollars have two different reimbursement rates: administrative activity, and actual support for children. For each there must be State General Fund dollars to match Federal dollars for foster care review. For each 4E eligible child they can provide 50 percent of the cost of reviews through the 4E program, but there must be General Fund to match.

Lisa Smith, Acting Court Administrator discussed cuts they would make to help the subcommittee in their decision making. She provided worksheets **EXHIBIT(jgh36a06)**, **EXHIBIT(jgh36a07)**, **EXHIBIT(jgh36a08)**. **Mrs. Smith** started going over EXHIBIT (7), explaining the changes made by her and **Chief Justice Gray**.

Sen. Stapleton asked if the law clerks had to be all or nothing or if they could support 3 or 4 instead of 7? **Chief Justice Gray** told **Sen. Stapleton** they do not have seniority among the Justices everyone is equal. They have an even work load but need help. The Chief Justice provided other options to **Sen. Stapleton**.

Sen. McCarthy asked the Chief Justice about law clerks. The Chief Justice was not sure and deferred the question until later.

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The subcommittee discussed the question and asked for clarification from **Sen. McCarthy**. **Rep. Lindeen** asked what the law clerks do. **Chief Justice Gray** said cases come to the Justices Panel of five Justices. They try to reach a tentative outcome on each case. The Chief Justice assigns each case to one Justice. This is done on a rotating basis. Each Justice is assigned the same number of cases, and each Justice writes an opinion on the assigned case.

Rep. Lindeen asked how the Justices would share a law clerk. Chief Justice Gray said she was not real sure but they would figure it out.

Mrs. Smith continued with EXHIBIT (7). The subcommittee asked questions to help reduce their budget. **Mrs. Smith** went over hand outs EXHIBIT (6) and EXHIBIT (8) on vacancy savings. She also discussed how it would work for the Judiciary.

Rex Renk, Deputy Clerk of the Supreme Court indicated he would withdraw the case management system upgrade and DP 6001.

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Mr. Renk indicated they needed additional FTE to meet their mandated duties. **Sen. Stapleton** asked why **Ed Smith, Clerk of the Court** did not present the budget. **Mr. Renk** said **Mr. Smith** wanted him to address the budget and he was doing so.

Chairman Davies indicated **Mr. Brown** would assist the Judicial Branch in putting the finishing touches on their budget. He said they would take Executive Action once the subcommittee could understand the budget.

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ADJOURNMENT

Adjournment: 10:30 A.M.

REP. BOB DAVIES, Chairman

CYNDIE LOCKETT, Secretary

BD/CL

EXHIBIT (jgh36aad)